

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
March 9, 2004

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Moore, Sherwood, and Wilson.

- STUDY SESSION

- > JOINT MEETING WITH THE PARK AND RECREATION ADVISORY BOARD (PRAB)

Park Board members: Shelley Richards, Jason Ashley, David Baumgarten, Scott Bernhard, Michael Freudenthal, Darrin Marks, Carl Switzer. Ex-Officio member Barry Albertson from The Tigard Tualatin School District and Eileen Webb from the Tigard Planning Commission.

Carl Switzer, Chair of the Park and Recreation Advisory Board (PRAB), presented a report to the Council. Mr. Switzer updated the Council on the activities by the Board, which included tours of the parks and facilities and hearing presentations on the park budget, capital improvement plan, and the Tigard visioning process. The PRAB supports the Tigard Skate Park. The PRAB has developed goals and its mission statement is: The purpose of the PRAB is to advocate for park and recreation opportunities for a growing Tigard.

At its March 8, 2004, meeting, the following two motions were adopted unanimously by the PRAB:

- The PRAB supports a general obligation bond measure as the funding source for the acquisition and development of open spaces, parks, and facilities (e.g. skate park), and that the PRAB asks the City Council to consider placing the bond measure on the November 2, 2004 ballot.
- The PRAB supports the Skate Park Task Force efforts to build a skate park in Tigard and encourages Council to do everything within its power, including providing financial support to make the skate park a reality.

Mr. Switzer explained the PRAB's desire to conduct a survey of residents to assess needs, determine willingness to pay, and establish whether people are interested in forming a parks and recreation district.

There was discussion on the survey and comments on the need to conduct a scientific survey with care taken to formulate questions are developed so responders are not "led" to respond in a certain way.

Park Manager Dan Plaza gave a ballpark estimate of about \$10,000 to develop and conduct a survey of about 400 people.

Councilor Wilson noted that there is a region-wide open space protection plan under consideration by Metro.

No park sites or open space areas have yet been identified by the Park Board. A subcommittee has been assigned this task and several citizens have offered suggestions about parcels. It was noted there is a need to move now before properties are developed.

Mayor Dirksen asked for clarification about the recommended city "financial support" suggested by the PRAB. He said that the city heard from citizens that city funds should not be used to construct a skate park; however, the level of support for a skate park could be included in the survey. There was discussion about finding private donors or phasing in the city's financial support to the skate park.

Council consensus was to:

1. support a survey of residents as outlined by Mr. Switzer
2. further consider an open space bond measure
3. further consider financial assistance for the skate park (include this in the survey to determine public support)

> TRAINING WITH THE CITY ATTORNEY – COMMUNICATIONS

City Attorney Ramis conducted a training session on public meeting law and public records law. A copy of a PowerPoint slide presentation showing the highlights of the information reviewed is on file with the City Recorder.

> DISCUSSION OF ANNEXATION WAIVERS ON BULL MOUNTAIN

City Manager Monahan introduced this item referring to a suggestion from Planning Commissioner Buehner that the City review whether to consider annexation of some properties that have current "non remonstrance"

agreements. Commissioner Buehner had referred to properties near or adjacent to the "Gooley" property. Community Development Director Hendryx reviewed the background on "consent to annex" agreements for subdivisions within the urban services area as agreed to in a 1997 intergovernmental agreement for providing services to Bull Mountain. Mr. Hendryx distributed maps to the Council showing locations of the subdivisions he referenced during his presentation. The consent to annex form allows the City of Tigard to annex those subdivisions into the City when the City's boundary abuts. Of the 15 subdivisions approved in the unincorporated area of Bull Mountain, five were contiguous, four were conditioned to sign consent to annex forms and six were not required to sign the consent to annex forms. The subdivisions that were not required to sign the annexation form were approved prior to the City's requirement. Consent to annex forms are valid for one year unless a separate contract has been signed with City Council's consent. For the four subdivisions required to sign the consent to annex, only two are far enough along in the process to have completed the condition for signing the consent to annex forms.

The Council's policy since 2000 has been if a development abuts the City at the time it is developed, it is to be annexed to the City. If the development does not abut, then the consent to annex forms are required.

The two subdivisions noted by Commissioner Buehner, Bella Vista and Summit Ridge, are not contiguous to the City. The Alberta Rider School development application is still being processed. The Gooley property development application has not been submitted.

Community Development Director Hendryx noted the need for Council review of the waivers. He noted the Tuscany subdivision consent to annex form will expire in April. He reviewed the maps and commented on the proximity of recent developments to the City. Community Development Director said that he understands Council's direction to be that when properties with a current consent to annex agreement become contiguous, that they will be considered for annexation. City Manager Monahan noted it is not known when Alberta Rider and the Gooley property developments will be completed, which would then lead the City to review whether or not Summit Ridge and Bella Vista subdivisions would be considered contiguous.

Community Development Director Hendryx advised this is an "informational" presentation and no direction was needed from Council.

> ADMINISTRATIVE ITEMS

City Manager Monahan reviewed the following:

- a. Announcement during Business Meeting: Staff requests an announcement during business meeting advising that the City is seeking applicants for the Library Board and the Budget Committee. If interested, please contact Volunteer Coordinator Susan Koepping at Tigard City Hall, 503-639-4171, Ext. 2402.
- b. Agenda Item No. 8 – Comments from Downtown Task Member Alexander Craghead are attached.
- c. Agenda Item No. 7, the JWC agreement, if approved entitles Tigard to three seats at the quarterly JWC meeting. Council should designate three designees.

Staff suggests that the three designees be:

- the Council water liaison – now Brian Moore
- a member of the IWB – authorize the IWB to choose one of the members
- City Manager (as the other cities and agencies have their manager assigned) or the Council water liaison alternate.

The meetings are on Fridays from 11 a.m. – 3 p.m. in Hillsboro. The first one coming up will be on April 9. The other meetings will be on July 9 and October 8 of this year.

- d. Memo from Matt Scheidegger to City Council regarding a concern from Ed Christensen. The memo is background information for Council should Mr. Christensen address the Council during the business meeting.

(Additional Administrative Items were reviewed after the Business meeting.)

• EXECUTIVE SESSION: Not held

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council & Local Contract Review Board to order at 7:41 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
  - Mayor Dirksen announced openings on the Library Board and Budget Committee and urged interested persons to contact the City to apply.
- 1.5 Call to Council and Staff for Non-Agenda Items: None

## 2. VISITOR'S AGENDA

- Lisa Hamilton-Treick presented information as a representative of Friends of Bull Mountain. She submitted a letter from the Friends of Bull Mountain regarding "Bull Mountain Annexation – A Call to Action," which was sent to elected officials seeking support in slowing down the unwelcome annexation by the City of Tigard. The issues of concern to the Friends of Bull Mountain include: the voting method for the annexation ballot initiative; city officials subverting and undermining the annexation process; and Tigard is not the logical provider of urban services.

Councilor Wilson responded to a question about why Tigard wants to annex this area by saying that the reasons for annexation to Tigard have been stated a number of times and has been the direction for 20 years. With regard to the concern about the consent to annex issue (annexation waiver) as was discussed during the Study Session, no discussion on a Council position for these properties has taken place. Councilor Wilson said he looks forward to continued talks, to continue with the "white paper" process and to move in a positive direction.

Mayor Dirksen referred to the urban growth boundary where it is the plan to include areas developed at an urban density within a city. He noted the reasons for annexing areas contiguous to the City that are in the development process and the ability to then collect park system development charges.

- Char Maki-Merrick presented information to Council advising that many members of Bull Mountain vehemently oppose the proposed annexation of development property between Bull Mountain Road and Beef Bend Road. Ms. Maki-Merrick said that forcing annexation agreements upon developers and land owners appears to disrupt any investigation of pursuing King City annexation. (Letter submitted by Ms. Maki-Merrick is on file with the City Recorder). Ms. Maki-Merrick spoke about the importance of the Council's character.

Mayor Dirksen said the annexation agreements referred to by Ms. Merrick are agreements that Tigard has been doing for a long time. City Manager Monahan clarified the discussion that took place in Study Session regarding annexation agreements (consents to annex) was before the Council because a member of the Planning Commission had raised the question. The status is that properties that have these agreements in effect are not contiguous to the City; therefore, there is nothing the Council can act upon at this time.

- Charles Radley said he was concerned about the calling in of non-remonstrance agreements. He asked that when such actions are discussed, that the City consider the sensitivities of the community. He said he would hate to see the derailment of the committee process now underway to study the issues for annexation. In response to a question from Mr. Radley, Mayor Dirksen advised that Washington County would have information about tax rates of other cities.
- Ed Christensen advised Council that he has his business on Pfaffle Street located in a home that has not been approved for a commercial business. He updated Council on his current situation with the municipal court judge and advised he could be subject to a \$250/day fine. He asked the Council to assist him citing hardship and that the downturn in the economy has prevented him from proceeding with his development application.

On file with the City Recorder is a March 9, 2004, memo from staff outlining the history of this matter with Mr. Christensen.

City Attorney Ramis advised the Council has no authority or options with which to fashion a solution for Mr. Christensen. The forum for this matter is in the municipal court where this matter is pending.

Discussion followed regarding the need for Mr. Christensen to work with the court and the staff to submit an application for this property and then to follow through. Mayor Dirksen suggested forwarding a recommendation to staff for support of a reduction in the fine depending on the performance by Mr. Christensen. Community Development Director Hendryx commented that the Judge's usual practice is to consider whether an effort to resolve an issue has been apparent. City Manager Monahan clarified that staff did not "look the other way" for a period of time on this matter; rather, Mr. Christensen had been granted an extension to complete this project.

- John Frewing commented on the substantive items discussed during the Study Sessions by Council and asked the Council to consider making these discussions "more public" by making information the Council reviews available to the public at least a day prior to the meeting. Mr. Frewing shared information presented to the Parks and Recreation Board (a copy of written remarks are on file with the City Recorder). Mr. Frewing outlined a proposal with regard to a Tigard parks and open space bond measure to be placed on the November 2004 city ballot.

3. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for January 27, February 10, 12 and 17, 2004
- 3.2 Receive and File:
  - a. Council Calendar
  - b. Tentative Agenda
- 3.3 Approve Budget Amendment #19 to Increase Appropriations for Network Services – Resolution No. 04-13
- 3.4 Local Contract Review Board:
  - a. Award Multiple Contracts for New Library Furniture

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. **CONSIDER RESOLUTION ACKNOWLEDGING THE MERITORIOUS SERVICES TO THE CITIZENS OF TIGARD BY FORMER PUBLIC WORKS DIRECTOR ED WEGNER**

The Mayor and Councilor members each remarked on the significant contributions made by former Public Works Director Wegner.

Motion by Councilor Moore, seconded by Councilor Sherwood, to adopt Resolution No. 04-14.

**RESOLUTION NO. 04-14 – A RESOLUTION OF THE TIGARD CITY COUNCIL ACKNOWLEDGING THE EXCELLENT LEADERSHIP AND COMMUNITY SERVICE RENDERED BY EDWARD (ED) WEGNER, CITY OF TIGARD DIRECTOR OF PUBLIC WORKS FROM JANUARY 1994 TO FEBRUARY 2004.**

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. **UPDATE ON THE NEW TIGARD LIBRARY**

Library Director Barnes updated Council on the status of the new library construction. The project remains on time and under budget.

6. WEB PAGE REPORT

Web Page Administrator Soares presented an annual report to the Council. The website continues to grow in its significance as an information resource to the community. When compared to 2002, the number of visits in 2003 increased 35% and the number of unique visitors has more than doubled with an increase of 105%. To support the growth, the web team will implement new strategies to better manage growth and quality of content on the website. The web team will also continue to add new features and information to increase the value of the website as a resource for the community.

7. CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE WATER SERVICE AGREEMENT AND JOINDER AGREEMENT WITH THE JOINT WATER COMMISSION AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

Interim Public Works Director Koellermeier presented the staff report. Approval of the ordinance will enable the City to continue to receive a current water supply and join in future analysis of water supply studies with the Joint Water Commission.

Motion by Councilor Sherwood, seconded by Councilor Wilson, to adopt Ordinance No. 04-04.

ORDINANCE NO. 04-04 – AN ORDINANCE OF THE CITY OF TIGARD, OREGON, APPROVING THE FIRST AMENDMENT TO WATER SERVICE AGREEMENT AND JOINDER AGREEMENT BETWEEN THE JOINT WATER COMMISSION AND THE CITY OF TIGARD, AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Discussion followed about the three JWC seats available to Tigard at the quarterly management meetings. It was determined that Councilor Moore and City Manager Monahan would be designated to attend the management meetings. The



Intergovernmental Water Board will appoint one of its members to the third Tigard seat. Interim Public Works Director Koellermeier will serve on the Technical Advisory Committee.

8. CONSIDER EXPANSION OF THE DOWNTOWN TASK FORCE

Community Development Director Hendryx presented information about the accomplishments of the Downtown Task Force and the need to review the composition of the Task Force. Council members acknowledged the efforts of the Downtown Task Force and noted the need for the continued involvement of the current task force members in an expanded task force membership. Motion by Councilor Moore, seconded by Councilor Sherwood, to adopt Resolution No. 04-15.

RESOLUTION NO. 04-15 – A RESOLUTION TO ACKNOWLEDGE THE EFFORTS OF THE DOWNTOWN TASK FORCE AND COMMEND ITS MEMBERS FOR COMPLETING THE WORK PROGRAM

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Motion by Councilor Moore, seconded by Councilor Wilson, to adopt Resolution No. 04-16.

RESOLUTION NO. 04-16 – A RESOLUTION TO EXPAND THE DOWNTOWN TASK FORCE

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS: None

Study Session Administrative Item Review continued:

- e. Discuss Joint Meeting with TTSD and City of Tualatin – April 5 – 6:30 p.m.,  
Tualatin Police Facility, 8650 Tualatin Road
  - Update on Construction Activity
  - Update on Visioning Program in City of Tualatin
  - Gang Activity Report
  - Tualatin River Pedestrian Bridge
  - Bridgeport Road Closure

Councilor Wilson commented that he would like to see the Youth Program discussed and added that he would like to ask the School Board if there would be a way for the Youth Advisory Council to communicate to their classmates. He spoke about Lindsey Boyce's participation as an ex-officio member of Council and asked if there would be an opportunity for her to share her experiences.

Council supported Mayor Dirksen's suggestion that another member of a Youth Advisory Council could attend the Council meeting when Lindsey was unable to attend. City Manager Monahan advised it would be clarified with the Youth Advisory Council members that they would not be allowed attend Council's Executive Sessions.

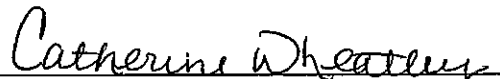
- f. Goal 5 Public Hearing – Fish and Wildlife Habitat Protection – March 29, 2004, to be held at the Beaverton Library – Displays in Meeting Rooms A&B from 4-7:30 p.m.; Hearing is in the Auditorium from 6-9 p.m. Councilor Wilson noted that Metro will have related issues for Council to review within the next few weeks.
- g. MPAC Nomination – Nick Wilson's name offered for nomination to MPAC as the alternate member. Cities have until the end of next week to submit nominations. Hillsboro, as the County's largest City will be sending out ballots to fill this position. Staff requests authorization from Council to cast Tigard's ballot for Councilor Nick Wilson if the ballots are issued during a time period when there are no regularly scheduled Council meetings.
- h. Tigard City Hall as Ballot Drop Site -- Tigard staff raised safety concerns to Washington County Elections Manager Kawai regarding using the City Hall as a ballot drop site. Safety issues relate to heavy traffic (especially the last few days before "Election Day") with the increased traffic relating to the library, police activity, and voters. Tigard City Hall will not be a polling site for the May election. Elections Manager Kawai mentioned she might want the City to consider allowing the new Tigard Library to be used as a ballot drop site. The

City will ask the County to assist in getting the word out to voters about the locations of ballot drop sites; final information on drop sites will be available in about two weeks.


- i. Metro Survey – Distribute information from City of Beaverton per Council's request regarding Beaverton's response to the Metro Survey.
- j. Council selected June 5 as the date for the Bonita Park dedication.
- k. Long term financial Issues – Council priorities – Major issues: A chart was distributed to the Council
- l. Calendar Review
  - March 12 – Reception for Ed Wegner – 6:30 p.m. – Tigard Water Building
  - March 13 – New Library Tour – 9 a.m. (Meet at Tigard Christian Church)
  - March 15 – Department Head Meeting with Councilor Woodruff at 4 p.m. in the Red Rock Creek Conference Room – Any other Councilor members interested in attending?
  - March 15 – (training with Planning Commission on Land Use, 7 p.m. – agendas attached)
  - March 16 – Council Workshop Meeting – 6:30 p.m.
  - March 23 – Council Business Meeting – 6:30 p.m.
  - March 31 – Joe Grisham (Police Department) will retire.
  - April 5 – Joint Meeting with TTSD and City of Tualatin City Council – 6:30 p.m.
  - April 8 – Employee Recognition Event, 3-4 p.m.

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 9:57 p.m.

  
Catherine Wheatley, City Recorder

Attest:

  
Mayor, City of Tigard

Date: 4.13.04

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